

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

MADELEINE YATES on behalf of herself)	
and other persons similarly situated,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 1:17-cv-09219
)	
CHECKERS)	
DRIVE-IN)	
RESTAURANTS,)	
INC. And VIBES MEDIA, LLC,)	
)	
<i>Defendants.</i>		

**SECOND SUPPLEMENTAL DECLARATION OF JENNIFER M. KEOUGH
REGARDING NOTICE ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation for the purposes of administering the Class Action Settlement and Release preliminarily approved by the Court in its Preliminary Approval Order, dated January 17, 2020. The following statements are based on my personal knowledge and information provided to me by experienced JND employees

¹ Capitalized terms that are not defined herein shall have the meanings ascribed to them in the Class Action Settlement and Release, my Declaration Regarding Notice Administration, dated August 11, 2020 (the “Initial Declaration”), and/or my Supplemental Declaration Regarding Notice Administration, dated October 7, 2020 (the “Supplemental Declaration”).

working under my supervision, and if called upon to do so, I could and would testify competently thereto.

3. This Second Supplemental Declaration is meant to supplement both my Initial Declaration and my Supplemental Declaration.

4. As described in my Initial Declaration, the Notice program commenced with an email Notice campaign to 3,913,470 verified Class Member email addresses followed by a mailed postcard Notice to each of the 26,594 Class Members whose email Notices were returned as undeliverable. *See* Docket No. 150-1. (The email Notice and postcard Notice are collectively referred to herein as the “Initial Notice”).

SUPPLEMENTAL NOTICE

5. Commencing on December 21, 2020, per the Court’s Order Approving Supplemental Text Message Notice, entered on November 25, 2020 (the “Supplemental Notice Order”), JND caused the following text message notice to be sent to the Settlement Class, after removing the phone numbers for the 7,017 members of the Settlement Class who previously submitted a valid Claim Form:

NOTICE OF CLASS ACTION SETTLEMENT: You may be entitled to benefits under a class action settlement in *Yates v. Checkers Drive-In*, 17 CV 9219 (N.D. Illinois). Submit a claim at www.burgertcpasettlement.com/claim or call 844-908-0531.

The text message campaign was completed by January 4, 2021.

UPDATE ON SETTLEMENT WEBSITE

6. As stated in my Initial Declaration, JND established a dedicated case website, www.burgerTCPAsettlement.com, to provide information to Class Members, answer frequently asked questions, and allow Class Members to file a claim electronically. The Settlement Website went live on February 5, 2020. After the Court entered the Supplemental Notice Order on November 25, 2020, JND updated the case website to inform Class Members of the rescheduling of the Final Approval Hearing to

April 14, 2021 as well as extending the claims, exclusion, and objection deadlines to March 15, 2021. On March 1, 2021, Plaintiff's Unopposed Application for Service Award and Attorneys' Fees and Costs and the supporting Declaration of Roberto Costales were posted to the Settlement Website.

7. As of March 28, 2021, the website has received 671,974 views.

UPDATE ON TOLL-FREE NUMBER

8. As stated in my Initial Declaration, JND established a case-specific toll-free number (1-844-908-0531), which individuals may call to obtain information regarding the Settlement. The toll-free number is available 24 hours a day, 7 days a week.

9. As of March 28, 2021, the toll-free number received 8,009 calls.

REQUESTS FOR EXCLUSION

10. The Initial Notice informed Class Members that any Class Member who wanted to exclude themselves from the Settlement ("opt-out") had to mail a signed letter to JND stating that they desired to opt-out of the Settlement or otherwise not participate in the Settlement, postmarked on or before July 27, 2020. The Supplemental Notice Order extended this deadline to March 15, 2021.

11. As of March 28, 2021, JND received one (1) opt out request, which was from Timeka Woods.

OBJECTIONS

12. The Initial Notice informed Class Members that any Class Member who wanted to object to the approval of the Settlement had to deliver a timely written objection to the Court or Settlement Administrator on or before July 27, 2020. The Supplemental Notice Order extended this deadline to March 15, 2021.

13. As of March 28, 2021, JND received one (1) objection.

CLAIMS PROCESS

14. The Notice informed Class Members that anyone who wanted to submit a valid Claim Form could do so by submitting a Claim Form on or before July 27, 2020 (the “Initial Claim Deadline”). The Supplemental Notice Order extended this deadline to March 15, 2021 (the “Extended Claim Deadline”). JND will continue to accept as timely any Claim Forms postmarked on or before March 15, 2021.

15. As of March 28, 2021, JND received a total of 102,650 timely Claim Forms (102,360 Claim Forms submitted electronically, and 290 received by mail). These claims have been analyzed and categorized as follows:

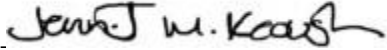
- a. 14,373 Claim Forms were identified as duplicates, fraudulent, or test claims and denied.
- b. 48,237 Claim Forms were submitted with telephone numbers that do not appear on the Class List.
- c. 40,040 Claim Forms were submitted with telephone numbers that appear on the Class List.

16. With respect to the Claim Forms that JND validated, as set forth in my Supplemental Declaration, as of the Initial Claim Deadline, JND validated 7,017 Claim Forms; with respect to the Extended Claim Deadline, JND validated an additional 33,023 Claim Forms. JND has thus validated a total of 40,040 Claim Forms that are eligible to receive the Merchandise Voucher.

17. These numbers are subject to updating until the conclusion of JND’s claim review and validation process.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 31, 2021, in Seattle, Washington.

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Jennifer M. Keough